

113TH CONGRESS
1ST SESSION

H. R. 2948

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mr. MATHESON (for himself and Mr. HARPER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Regu-
5 latory Analysis of Impacts on the Nation Act of 2013”.

1 **SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF**
2 **REGULATIONS THAT IMPACT ENERGY AND**
3 **MANUFACTURING IN THE UNITED STATES.**

4 (a) ESTABLISHMENT.—The President shall establish
5 a committee to be known as the Committee for the Cumu-
6 lative Analysis of Regulations that Impact Energy and
7 Manufacturing in the United States (in this Act referred
8 to as the “Committee”) to analyze and report on the cu-
9 mulative and incremental impacts of certain rules and ac-
10 tions of the Environmental Protection Agency, in accord-
11 ance with sections 3 and 4.

12 (b) MEMBERS.—The Committee shall be composed of
13 the following officials (or their designees):

14 (1) The Secretary of Agriculture, acting
15 through the Chief Economist.

16 (2) The Secretary of Commerce, acting through
17 the Chief Economist and the Under Secretary for
18 International Trade.

19 (3) The Secretary of Labor, acting through the
20 Commissioner of the Bureau of Labor Statistics.

21 (4) The Secretary of Energy, acting through
22 the Administrator of the Energy Information Ad-
23 ministration.

24 (5) The Secretary of the Treasury, acting
25 through the Deputy Assistant Secretary for Environ-

1 ment and Energy of the Department of the Treas-
2 ury.

3 (6) The Administrator of the Environmental
4 Protection Agency.

5 (7) The Chairman of the Council of Economic
6 Advisors.

7 (8) The Chairman of the Federal Energy Regu-
8 latory Commission.

9 (9) The Administrator of the Office of Informa-
10 tion and Regulatory Affairs.

11 (10) The Chief Counsel for Advocacy of the
12 Small Business Administration.

13 (11) The Chairman of the United States Inter-
14 national Trade Commission, acting through the Of-
15 fice of Economics.

16 (c) CHAIR.—The Secretary of Commerce shall serve
17 as Chair of the Committee. In carrying out the functions
18 of the Chair, the Secretary of Commerce shall consult with
19 the members serving on the Committee pursuant to para-
20 graphs (5) and (11) of subsection (b).

21 (d) CONSULTATION.—In conducting analyses under
22 section 3 and preparing reports under section 4, the Com-
23 mittee shall consult with, and consider pertinent reports
24 issued by, the Electric Reliability Organization certified

1 under section 215(c) of the Federal Power Act (16 U.S.C.
2 824o(c)).

3 (e) TERMINATION.—The Committee shall terminate
4 60 days after submitting its final report pursuant to sec-
5 tion 4(c).

6 **SEC. 3. ANALYSES.**

7 (a) SCOPE.—The Committee shall conduct analyses,
8 for each of the calendar years 2018, 2023, and 2030, of
9 the following:

10 (1) The cumulative impact of covered rules that
11 are promulgated as final regulations on or before
12 January 1, 2014, in combination with covered ac-
13 tions.

14 (2) The cumulative impact of all covered rules
15 (including covered rules that have not been promul-
16 gated as final regulations on or before January 1,
17 2014), in combination with covered actions.

18 (3) The incremental impact of each covered rule
19 not promulgated as a final regulation on or before
20 January 1, 2014, relative to an analytic baseline
21 representing the results of the analysis conducted
22 under paragraph (1).

23 (b) CONTENTS.—The Committee shall include in
24 each analysis conducted under this section the following:

1 (1) Estimates of the impacts of the covered
2 rules and covered actions with regard to—

3 (A) the global economic competitiveness of
4 the United States, particularly with respect to
5 energy intensive and trade sensitive industries;

6 (B) other cumulative costs and cumulative
7 benefits, including evaluation through a general
8 equilibrium model approach;

9 (C) any resulting change in national,
10 State, and regional electricity prices;

11 (D) any resulting change in national,
12 State, and regional fuel prices;

13 (E) the impact on national, State, and re-
14 gional employment during the 5-year period be-
15 ginning on the date of enactment of this Act,
16 and also in the long term, including secondary
17 impacts associated with increased energy prices
18 and facility closures; and

19 (F) the reliability and adequacy of bulk
20 power supply in the United States.

21 (2) Discussion of key uncertainties and assump-
22 tions associated with each estimate.

23 (3) A sensitivity analysis.

1 (4) Discussion, and where feasible an assessment,
2 of the cumulative impact of the covered rules
3 and covered actions on—

- 4 (A) consumers;
5 (B) small businesses;
6 (C) regional economies;
7 (D) State, local, and tribal governments;
8 (E) local and industry-specific labor markets; and
9 (F) agriculture,

10 as well as key uncertainties associated with each
11 topic.

12 (c) METHODS.—In conducting analyses under this
13 section, the Committee shall use the best available methods,
14 consistent with guidance from the Office of Information and
15 Regulatory Affairs and the Office of Management and Budget Circular A–4.

16 (d) DATA.—In conducting analyses under this section, the Committee—

- 17 (1) shall use the best data that is available to the public or supplied to the Committee by its members, including the most recent such data appropriate for this analysis representing air quality, facility emissions, and installed controls; and

1 (2) is not required to create data or to use data
2 that is not readily accessible.

3 (e) COVERED RULES.—In this section, the term “cov-
4 ered rule” means the following:

5 (1) The following published rules (including any
6 successor or substantially similar rule):

7 (A) “National Ambient Air Quality Stand-
8 ards for Ozone”, published at 75 Fed. Reg.
9 2938 (January 19, 2010).

10 (B) “National Emission Standards for
11 Hazardous Air Pollutants for Major Sources:
12 Industrial, Commercial, and Institutional Boil-
13 ers and Process Heaters”, published at 78 Fed.
14 Reg. 7138 (January 31, 2013).

15 (C) “National Emission Standards for
16 Hazardous Air Pollutants for Area Sources: In-
17 dustrial, Commercial, and Institutional Boil-
18 ers”, published at 78 Fed. Reg. 7488 (Fe-
19 bruary 1, 2013).

20 (D) “National Emission Standards for
21 Hazardous Air Pollutants from Coal- and Oil-
22 fired Electric Utility Steam Generating Units
23 and Standards of Performance for Fossil-Fuel-
24 Fired Electric Utility, Industrial-Commercial-
25 Institutional, and Small Industrial-Commercial-

1 Institutional Steam Generating Units”, published at 77 Fed. Reg. 9304 (February 16,
2 2012) and the “Reconsideration of Certain New
3 Source Issues: National Emission Standards for
4 Hazardous Air Pollutants from Coal- and Oil-
5 fired Electric Utility Steam Generating Units
6 and Standards of Performance for Fossil-Fuel-
7 Fired Electric Utility, Industrial-Commercial-
8 Institutional, and Small Industrial-Commercial-
9 Institutional Steam Generating Units”, published at 78 Fed. Reg. 24073 (April 24, 2013).

10 (E) “Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities”, published at 75 Fed. Reg. 35128 (June 21, 2010).

11 (F) “Primary National Ambient Air Quality Standard for Sulfur Dioxide”, published at 75 Fed. Reg. 35520 (June 22, 2010).

12 (G) “Primary National Ambient Air Quality Standards for Nitrogen Dioxide”, published at 75 Fed. Reg. 6474 (February 9, 2010).

13 (H) “National Pollutant Discharge Elimination System—Cooling Water Intake Structures at Existing Facilities and Phase I Facili-

1 ties”, published at 76 Fed. Reg. 22174 (April
2 20, 2011).

3 (I) “Effluent Limitations Guidelines and
4 Standards for the Construction and Develop-
5 ment Point Source Category”, published at 74
6 Fed. Reg. 62996 (December 1, 2009).

7 (2) The following additional rules or guidelines
8 promulgated on or after January 1, 2009:

9 (A) Any rule or guideline promulgated
10 under section 111(b) or 111(d) of the Clean Air
11 Act (42 U.S.C. 7411(b), 7411(d)) to address
12 climate change.

13 (B) Any rule or guideline promulgated by
14 the Administrator of the Environmental Protec-
15 tion Agency, a State, a local government, or a
16 permitting agency under or as the result of sec-
17 tion 169A or 169B of the Clean Air Act (42
18 U.S.C. 7491, 7492).

19 (C) Any rule establishing or modifying a
20 national ambient air quality standard under
21 section 109 of the Clean Air Act (42 U.S.C.
22 7409).

23 (f) COVERED ACTIONS.—In this section, the term
24 “covered action” means any action on or after January
25 1, 2009, by the Administrator of the Environmental Pro-

1 tection Agency, a State, a local government, or a permit-
2 ting agency as a result of the application of part C of title
3 I (relating to prevention of significant deterioration of air
4 quality) or title V (relating to permitting) of the Clean
5 Air Act (42 U.S.C. 7401 et seq.), if such application oc-
6 curs with respect to an air pollutant that is identified as
7 a greenhouse gas in “Endangerment and Cause or Con-
8 tribute Findings for Greenhouse Gases Under Section
9 202(a) of the Clean Air Act”, published at 74 Fed. Reg.
10 66496 (December 15, 2009).

11 **SEC. 4. REPORTS; PUBLIC COMMENT.**

12 (a) PRELIMINARY REPORT.—Not later than January
13 31, 2014, the Committee shall make public and submit
14 to the Committee on Energy and Commerce of the House
15 of Representatives and the Committee on Environment
16 and Public Works of the Senate a preliminary report con-
17 taining the results of the analyses conducted under section
18 3.

19 (b) PUBLIC COMMENT PERIOD.—The Committee
20 shall accept public comments regarding the preliminary re-
21 port submitted under subsection (a) for a period of 90
22 days after such submission.

23 (c) FINAL REPORT.—Not later than August 1, 2014,
24 the Committee shall submit to Congress a final report con-
25 taining the analyses conducted under section 3, including

- 1 any revisions to such analyses made as a result of public
- 2 comments, and a response to such comments.

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